

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
September 16, 2003

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:03 p.m., Tuesday, September 16, 2003, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend John R. Moxley from Yorktown Baptist Church gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

Chairman Burgett announced the first Public Hearing had been postponed at the request of the applicant, and at 8:00 p.m. the County Administrator and Fire Chief would give an update on the impending hurricane.

#### **HIGHWAY MATTERS**

Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), appeared to brief the Board on highway matters. He stated the exit ramp at Routes 17 and 134 would soon be improved with the installation of a new guardrail. Improvements to the intersection of Mooretown Road and Route 603 are scheduled for the spring or summer. He addressed the backlog of the paving schedule, and explained that the contractor had until the spring of next year to complete those pavings. He stated the intersection of Victory Boulevard and Old Pond Roads would be taken care of soon, and VDOT was working to smooth out the bump on Lakeside Drive. He stated Burcher Road would be reshaped after a review from environmental specialists, and the culvert at Whispering Way had been repaired. A pedestrian warning sign will be installed on Dare Road, with the possibility of a crosswalk being added. He stated he would discuss with Mrs. Noll her list of suggestions, and he advised Mr. Wiggins that rather than wait for federal funds, VDOT will begin work on the railroad crossing on Wolftrap Road. VDOT is studying the speed limit on Back Creek Road for solutions to the Rosewood Drive problem. He advised Mr. Shepperd that the department was working as fast as possible on his drainage issues and concerns. He then reported on VDOT's preparations for Hurricane Isabel and its aftermath.

Mr. Shepperd thanked Mr. Hicks for VDOT's quick response to drainage problems, but pointed out that water stands in the Big Bethel Road area near Christ the King Episcopal Church. He stated the sandbags installed by VDOT at 1926 Yorktown Road are starting to give way, possibly causing part of Yorktown Road to collapse.

Mr. Zarembo asked if the improvements to Mooretown and Aviation Roads include a traffic signal. He also asked about the safety concerns in Creekside Landing Estates and how many complaints had been received concerning the construction work in that area.

Mr. Hicks noted a traffic signal would be installed, and he had received no complaints.

Mr. Wiggins explained that Ironmonger Lane, which was on the dirt street program to be paved by VDOT, had been paved by the residents themselves. He stated the residents have decided they do not wish to be on the dirt street program since residents have trouble obtaining building permits due to the required 50-foot VDOT right-of-way.

Mr. Hicks stated he was not familiar with the road but would look into the matter.

## **PRESENTATIONS**

### **EMPLOYEE RECOGNITION PROGRAM**

Chairman Burgett congratulated Ms. Sharon Epperson for having attained 20 years of service with the County and presented her with a 20-year service pin and certificate.

Mr. Brian Woodward, Department of Environmental and Development Services, provided a visual presentation pertaining to Ms. Epperson's tenure with the County.

### **COMMENDATION OF YORK COUNTY CITIZEN**

Chairman Burgett noted the Board of Supervisors had adopted Resolution R03-161 commending and congratulating York County resident Ryan Freeman for his achievements at the Dublin, Ireland, Special Olympics World Summer Games. After the resolution was read aloud by Mr. Zaremba, Chairman Burgett presented Ryan with a framed copy of the resolution commemorating his success.

### **STUDENT EXCHANGE PROGRAM**

Ms. Sandy Hespe, representative of the York County School Division, thanked the Board for its continued support of the Student Exchange Program. She then introduced Ms. Jennifer Harper and Mr. Banu Myneni who reported on their experiences with the exchange program, and thanked the Board for its continued support of the program.

Ms. Hespe then introduced additional students who participated in the exchange program:

Stephen Anderson  
Ashley Bryan

Rebecca Ledebuhr  
Amy Quigley.

### **ROUTE 17 CORRIDOR REVITALIZATION**

Mr. Jim Noel, Director of the Office of Economic Development, presented a report on the Route 17 Corridor Revitalization which was prepared by the Route 17 Revitalization Committee. Before the presentation, he introduced Mr. Junior Coxton, Chairman of the Route 17 Revitalization Committee.

Mr. Coxton then elaborated on a trip the Committee made to the City of Fairfax to compare its area with that of York. He stated that York was ahead of many other counties across the state and that it was a nice place to live. He then introduced the remaining committee members present and explained that the committee was formed to develop strategies to improve the appearance of Route 17. He emphasized that the committee members were dedicated and anxious to begin revitalizing Route 17. He thanked staff for putting together an organization that included businesses, staff, and citizens to promote the revitalization of Route 17.

Mr. Noel provided some background on the formation of the committee, including the selected area of Route 17 to be revitalized. The committee compared Route 1 in Fairfax with Route 17 to develop a series of options available to help with the revitalization. The committee obtained ideas from both the public and private sectors to make recommendations in the report, for a total of 14 possible action steps that could be utilized to impact this corridor. He addressed some of the incentives offered for businesses to cooperate in this revitalization, and he referred to the overall corridor image, streetscape conditions, opportunities for improvement, private land use, landscaping, and parking issues.

Meeting Recessed. At 8:01 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:09 p.m. the meeting was reconvened in open session by order of the Chair.

#### HURRICANE ISABEL PREPARATIONS

Mr. McReynolds reported that for several days staff had been meeting with safety agencies, as well as all County Departments, Hampton Roads Sanitation District, York County School Division, York-Poquoson Social Services, York-Poquoson Red Cross, Peninsula Health District, the Radio Amateur Civil Emergencies Services, Virginia Cooperative Extension Agent, Giant Industries, and Camp Peary to discuss hurricane preparedness and the arrival of Hurricane Isabel. He stated staff has been checking drainage choke points to make sure they are clear, taking steps to ensure that debris removal contracts are in place, servicing generators, coordinating shelter operations, preparing for the emergency operations center activation, as well as staging equipment for post storm clean-up. He stated a lot of activity behind the scenes had taken place so that the citizens and County assets are protected.

Stephen Kopczynski, Fire Chief, briefed the Board on Hurricane Isabel, a Category II storm, with winds of approximately 105 mph. He gave the current position of the hurricane and indicated its proposed track. He provided the Board with estimates from the weather service, including the projection of 40 mph winds impacting the County in the morning hours of Thursday, with estimated peak winds to be as high as 75 mph. He stated these projections were based on the current track and with the possibility of high winds in the County for up to 19 hours. He stated that the Emergency Operations Center (EOC) opened today and was ready for full operation. He explained that the Department of Fire and Life Safety continuously monitors the hurricane and will coordinate staffing efforts to open the Emergency Operations Center at a moment's notice. He stated shelters would be open Wednesday night.

Discussion followed the Chief's presentation on the preparedness of the County and the potential damages that could be caused by the hurricane.

#### PUBLIC HEARINGS

##### APPLICATION NO. PD-15-03, McCALE DEVELOPMENT CORPORATION

At the request of the applicant, this application was postponed.

#### SCHOOL BOND FINANCING

Mr. McReynolds briefed the Board on proposed Resolution R03-151 to authorize the issuance of general obligation school bonds of the County to be sold to the Virginia Public School Authority to finance certain capital projects for school purposes.

Chairman Burgett called to order a public hearing on proposed Resolution R03-151 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
UP TO \$4,500,000 GENERAL OBLIGATION SCHOOL BONDS OF  
THE COUNTY OF YORK, VIRGINIA TO BE SOLD TO THE VIR-  
GINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE  
FORM AND DETAILS THEREOF

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R03-151 that reads:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
UP TO \$4,500,000 GENERAL OBLIGATION SCHOOL BONDS OF  
THE COUNTY OF YORK, VIRGINIA TO BE SOLD TO THE  
VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR  
THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of York, Virginia (the "County") has determined that it is necessary and expedient to borrow up to \$4,500,000 and to issue its general obligation school bonds to finance certain capital projects for school purposes.

WHEREAS, the County has held a public hearing, after due publication of notice, in accordance with Section 15.2-2606, Code of Virginia of 1950, as amended ("Virginia Code") on September 16, 2003, on the issuance of school bonds in an amount not to exceed \$4,500,000.

WHEREAS, the School Board of the County has requested by resolution the Board to authorize the issuance of the Bonds (as defined below) and has consented to the issuance of the Bonds.

WHEREAS, the objective of the Virginia Public School Authority (the "VPSA") is to pay the County a purchase price for the Bonds which, in VPSA's judgment, reflects the Bonds' market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested for the Bonds, the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of VPSA's bonds.

WHEREAS, such factors may result in requiring the County to accept a discount, given the VPSA Purchase Price Objective and market conditions, under which circumstance the proceeds from the sale of the Bonds received by the County would be less than the amount set forth in paragraph 1 below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF YORK, VIRGINIA:

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and to issue and sell general obligation school bonds of the County in the aggregate principal amount not to exceed \$4,500,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to the VPSA, the Bonds at a price determined by the VPSA and accepted by the Chairman of the Board or the County Administrator and upon the terms established pursuant to this Resolution. The County Administrator and the Chairman of the Board, or either of them, and such officer or officers of the County as either of them may designate, are hereby authorized and directed to enter into the Bond Sale Agreement with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form on file with the County Administrator, which form is hereby approved ("Bond Sale Agreement").

3. Details of the Bonds. The Bonds shall be issuable in fully registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2003" (or such other designation as the County Administrator may approve) shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 (each an "Interest Payment Date"), beginning July 15, 2004, at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts established in accordance with paragraph 4 of this Resolution. The Interest Payment Dates and the Principal Payment Dates are subject to change at the request of VPSA.

4. Principal Installments and Interest Rates. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be no more than ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed six percent (6%) per annum. The County Administrator is further authorized and directed to accept the aggregate principal amount of the Bonds and the amounts of principal of the Bonds coming due on each Principal Payment Date ("Principal Installments") established by the VPSA, including any changes in the Interest Payment Dates, the Principal Payment Dates and the Principal Installments which may be requested by VPSA provided that such aggregate principal amount shall not exceed the maximum amount set forth in paragraph one and the final maturity of the Bonds shall not be later than 21 years from their date. The execution and delivery of the Bonds as described in paragraph 8 hereof shall conclusively evidence such Interest Payment Dates, Principal Payment Dates, interest rates, principal amount and Principal Installments as having been so accepted as authorized by this Resolution.

5. Form of the Bonds. The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

- (a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal of, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption;
- (b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds; and
- (c) SunTrust Bank, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. Prepayment or Redemption. The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2013, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2013 are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2013 and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2013 are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part on any date on or after July 15, 2013 upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2013 to July 14, 2014, inclusive.....	101%
July 15, 2014 to July 14, 2015, inclusive.....	100.5
July 15, 2015 and thereafter.....	100;

provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and

not less than sixty (60) days before the date fixed for prepayment or redemption. The County Administrator is authorized to approve such other redemption provisions, including changes to the redemption dates set forth above, as may be requested by the VPSA.

8. Execution of the Bonds. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto. The manner of such execution may be by facsimile, provided that if both signatures are by facsimile, the Bonds shall not be valid until authenticated by the manual signature of the Paying Agent.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of, and the premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of, and the premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. Use of Proceeds Certificate; Non-Arbitrage Certificate. The Chairman of the Board and the County Administrator, or either of them and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Non-Arbitrage Certificate, if required by bond counsel, and a Use of Proceeds Certificate setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Use of Proceeds Certificate and the County shall comply with the covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

11. State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The County Administrator and the Chairman of the Board, or either of them and such officer or officers of the County as either of them may designate, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager, and the depository substantially in the form on file with the County Administrator, which form is hereby approved.

12. Continuing Disclosure Agreement. The Chairman of the Board and the County Administrator, or either of them, and such officer or officers of the County as either of them may designate are hereby authorized and directed (i) to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and (ii) to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14. Further Actions. The County Administrator, the Chairman of the Board, and such other officers, employees and agents of the County as either of them may designate are

hereby authorized to take such action as the County Administrator or the Chairman of the Board may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of York, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on September 16, 2003, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. The front page of this Resolution accurately records (i) the members of the Board of Supervisors present at the meeting, (ii) the members who were absent from the meeting, and (iii) the vote of each member, including any abstentions.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett  
Nay: (0)

#### **CITIZENS COMMENT PERIOD**

There were no citizens' comments this evening.

#### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett reported that the land swap with the National Park Service had been completed. He stated he would be attending the Local Government Attorney's (LGA) conference in Williamsburg provided it was not canceled due to the hurricane.

#### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds reminded the Board of its work session on September 23 on the Secondary Road Plan and Route 17 corridor improvements proposal. The next regularly scheduled meeting will be on October 7. He noted the legislative breakfast is tentatively scheduled for October 15, followed by a regular meeting on October 21. A work session is tentatively scheduled for October 28 to discuss the optional maintenance provisions of the building code.

#### **MATTERS PRESENTED BY THE BOARD**

Mr. Wiggins stated he had received calls from citizens at the Rainbrook Villa Homeowner's Association who are preparing for the storm. He explained they get a great deal of pleasure out of helping each other, but they were concerned what the County was doing to prepare for the storm and where the shelters were. He stated they are going to constantly check on the people who live there, and he pointed out this is an example of something everyone should do.

Mrs. Noll commended the Sheriff's Department and the Department of Fire and Life Safety for the sincere, moving ceremony on September 11, 2003, to remember the victims of the 911 attack. She noted she had attended a VDOT meeting to discuss the 2026 transportation plan, and she spoke of the public hearings on transportation previously held by the Hampton Roads Planning District Commission (HRPDC). She stated that only two York County residents attended the meeting held recently in Newport News for a total of 15 people present. She pointed out that there were no representatives from York County to look at the plans presented, and she expressed her concern over a lack of public interest. She stated the HRPDC had worked very hard to get the information out to the public.

Mr. Zaremba reported on attending a meeting of the Yorktown Landowners Group to exchange information on the architectural guidelines. He stated some of the committee members provided him with a paper indicating a desire to retain the architectural guidelines provided those guidelines could be tweaked. He reported that rather than having an architectural review committee, the Landowners Group would like to assemble a three-member village review board comprised of residents of the Yorktown Village to discuss construction issues. Mr. Zaremba noted he had attended a meeting at the Queens Lake Club, which acts as a homeowners association for Queens Lake, and stated the County had just sent survey letters pertaining to water and sewer, and at the same time Sydnor was sold. He indicated the County staff gave a great briefing on a proposal to replace the antiquated system that would include the fire fighting capability that is not now available. The representative from the new company in Philadelphia stated they would make the necessary repair and maintenance to the system, to include having fire-fighting capability, and by December 1 the company would present a written proposal for what it will do. He mentioned the possibility of a Home Depot coming to the Lightfoot area, and he pointed out a proposal had to go before the Planning Commission first. He encouraged citizens to become involved in the decision-making process and speak to their supervisor.

Mr. Shepperd thanked friends, Board members, and staff for the cards and prayers received as a result of the passing of his mother. During the time of his mother's illness, he learned much about the needs of the elderly and aging. He mentioned those senior citizens who live in isolation and suggested neighbors check on those citizens. He noted he had attended an informational meeting of VDOT, hosted by Melanie Rapp, to answer questions, and he explained that VDOT and the legislature suffers from a lack of trust by the community. They are trying to do what they can with their resources, and he encouraged citizens to contact their supervisors with concerns to be passed onto VDOT representatives.

Chairman Burgett stated he spoke at both memorial services on September 11, and he echoed Mrs. Noll's comments about the ceremonies being excellent. He thanked Mr. McReynolds and staff for organizing the services.

### **CONSENT CALENDAR**

Mr. McReynolds explained that proposed Resolution R03-167, a Declaration of a Local Emergency, had been added to the Consent Calendar.

Mr. Shepperd asked that Item No. 4 be removed from the Consent Calendar.

Mr. Wiggins moved that the Consent Calendar be approved as amended, Item Nos. 3, 5 and 6, respectively, to include the addition of proposed Resolution R03-167.

On roll call the vote was:

Yea:	(5)	Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay:	(0)	

Thereupon, the following minutes were approved and resolutions adopted:

### **Item No. 3. APPROVAL OF MINUTES**

The minutes of the August 19, 2003, Regular Meeting of the York County Board of Supervisors were approved.

### **Item No. 5. EMPLOYEES OF THE QUARTER: Resolutions R03-148 and R03-149.**

#### **Resolution R03-148:**

A RESOLUTION TO COMMEND MARK W. ROBINSON IN THE DEPARTMENT OF FIRE AND LIFE SERVICES AS EMPLOYEE OF THE QUARTER



WHEREAS, Mark W. Robinson has been employed by the Department of Fire and Life Services since December of 1994 and currently holds the position of Senior Firefighter; and

WHEREAS, Mr. Robinson volunteered to undertake a complete revision of the department's map books in order to improve emergency response; and

WHEREAS, Mr. Robinson realized a need to create specialty maps covering all County streets for fire services use that includes major buildings and information about fire hydrant locations, specific address numbers, fire department access concerns, and special hazard information; and

WHEREAS, Mr. Robinson has dedicated countless hours over the last three years to this project and continues to update the department maps on a near daily basis; and

WHEREAS, due to his initiative and diligence Mr. Robinson continues to make a positive contribution to the quality of life for the Citizens of York County and is recommended for Employee of the Quarter;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of September, 2003, that Mark W. Robinson, Senior Firefighter be and is hereby, congratulated upon his selection as Employee of the Quarter for the quarter ended March 31, 2003.

Resolution R03-149:

A RESOLUTION TO COMMEND WILLIAM H. BANKS, JR., IN THE DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT SERVICES AS EMPLOYEE OF THE QUARTER

WHEREAS, William H. Banks, Jr. has held various positions in the Department of Environmental and Development Services since October 1990 and currently holds the position of Equipment Operator II; and

WHEREAS, Mr. Banks is one of two boom truck operators and is primarily responsible for picking up County-wide yard debris; and

WHEREAS, Mr. Banks consistently goes beyond the call of duty in the performance of his duties on a daily basis and he has received numerous compliments from citizens concerning the quality of his work; and

WHEREAS, Mr. Banks has taken the time to cross train and learn many of the office and scales house procedures in case he is needed to fill in at the last minute; and

WHEREAS, due to his initiative and "can do" attitude, Mr. Banks continues to make a positive contribution to the quality of life for the Citizens of York County and is recommended for Employee of the Quarter;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of September, 2003, that William H. Banks, Jr., Equipment Operator II be and is hereby, congratulated upon his selection as Employee of the Quarter for the quarter ended June 30, 2003.

Item No. 6. STREET ACCEPTANCES: Resolution R03-152.

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE STREETS IN RUNNING MAN, SECTION NINE-A, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 16th day of September, 2003, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Running Man, Section Nine-A, and to the Resident Engineer of the Virginia Department of Transportation.

**In the County of York**

By resolution of the governing body adopted September 16, 2003

***The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.***

**Report of Changes in the Secondary System of State Highways**

Form SR-5A

Secondary Roads Division 5/1/99

**Project/Subdivision**

**Running Man, Section Nine-A**

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

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**Route Number and/or Street Name**

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**Corrotoman Run, State Route Number 1852**

*Description:* **From:** Route 1851 (Kinnakeet Run)

**To:** Route 1709 (Meherrin Run)

A distance of: 0.16 miles.

*Right of Way Record:* Filed with the Clerk of the Circuit Court on 8/20/2001, Plat Book 13, Pages 344-347, with a width of 50 ft.

**Kanawah Run, State Route Number 1738**

*Description:* **From:** Route 1850 (Moyock Run)

**To:** Route 1739 (Nottoway Turn)

A distance of: 0.10 miles.

*Right of Way Record:* Filed with the Clerk of the Circuit Court on 10/18/1990, Plat Book 11, Page 252, and on 8/20/2001, Plat Book 13, Pages 344-347, with a width of 50 ft.

*Description:* **From:** Route 1850 (Moyock Run)  
**To:** Route 1851 (Kinnakeet Run)

A distance of: 0.21 miles.

*Right of Way Record:* Filed with the Clerk of the Circuit Court on 8/20/2001, Plat Book 13, Pages 344-347, with a width of 50 ft.

#### **Kinnakeet Run, State Route Number 1851**

*Description:* **From:** Route 1738 (Kanawah Run)  
**To:** Route 1852 (Corrotoman Run)

A distance of: 0.06 miles.

*Right of Way Record:* Filed with the Clerk of the Circuit Court on 8/20/2001, Plat Book 13, Pages 344-347, with a width of 50 ft.

#### **Moyock Run, State Route Number 1850**

*Description:* **From:** Route 606 (Running Man Trail)  
**To:** Route 1738 (Kanawah Run)

A distance of: 0.23 miles.

*Right of Way Record:* Filed with the Clerk of the Circuit Court on 6/7/1990, Plat Book 11, Page 213, and on 8/20/2001, Plat Book 13, Pages 344-347, with a width of 50 ft.

DECLARATION OF A LOCAL EMERGENCY: Proposed Resolution R03-167 (Added to the Consent Calendar)

#### **RATIFICATION OF A DECLARATION OF A LOCAL EMERGENCY**

WHEREAS, the Board of Supervisors of the County of York does hereby find that due to the projected landfall of Hurricane Isabel on September 18, 2003, the County of York is faced with a condition of extreme peril which necessitated that the County Administrator, acting as the Director of Emergency Services, declare a local emergency at 6:00 p.m. on September 16, 2003, in order to provide mitigation, preparedness, and activities to protect life and property; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of September, 2003, that the act of the Director of Emergency Services in declaring a local emergency is hereby confirmed as are all actions taken pursuant to this declaration.

Item No. 4. STREET NAME CHANGE: Proposed Resolution R03-147 (Removed from the Consent Calendar)

Mr. Shepperd asked why the street name should be changed from Yawl Court.

Mr. Wiggins stated the residents wanted another name since many people did not realize that Yawl was part of a boat.

Mr. Shepperd was concerned that more requests would be made just to change the name of streets.

Mr. McReynolds explained this street was in a new subdivision with only one residence on the street and this would be a relatively simple change.

Discussion ensued concerning the process of street naming.

Mr. Shepperd then moved the adoption of proposed Resolution R03-147 that reads:

A RESOLUTION TO APPROVE A REQUEST TO CHANGE THE  
NAME OF YAWL COURT TO SPINNAKER WAY LOCATED IN THE  
CREEKSIDO LANDING SUBDIVISION

WHEREAS, Dave Grech, and on behalf of Centex Homes, has petitioned the County of York to change the name of Yawl Court, located in the Creekside Landing Subdivision, to Spinnaker Way; and

WHEREAS, Yawl Court was initially approved and recorded May 12, 2003, in the above mentioned subdivision; and

WHEREAS, the only access to Yawl Court is off of Schooner Boulevard; and

WHEREAS, Centex Homes is the sole property owner of the property fronting Yawl Court; and

WHEREAS, the potential buyers under contract for home ownership have expressed an interest in a name change for Yawl Court; and

WHEREAS, Section 20.5-79(d) of the Subdivision Ordinance states that the names of recorded streets shall not be changed except by Resolution of the Board; and

WHEREAS, the proposed street name has been determined to be acceptable relative to applicable provisions of the York County Subdivision Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16<sup>th</sup> day of September, 2003, that it does hereby approve a request to change the name of Yawl Court to Spinnaker Way.

BE IT FURTHER RESOLVED that the County Administrator be, and is hereby authorized to transmit said approval to the various County departments, the postmaster, public utilities, public service organizations, and any private companies or governmental agencies that may have an interest in this change.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zarembo, Noll, Burgett  
Nay: (0)

## **NEW BUSINESS**

### **ABANDONMENT OF SHIRLEY ROAD AND SLAIGHT'S WHARF ROAD**

Mr. Carter gave a presentation on proposed Resolution R03-154 to abandon the Slaight's Wharf Public Landing on Back Creek and a 230-foot, dead-end portion of the Shirley Road right-of-way located between properties owned by Seaford Scallop and Wells Ice and Cold Storage, Inc.

Mr. Shepperd questioned the \$27,800 donation offered by Seaford Scallop to the County.

Mr. Carter explained the two options for providing compensation for the loss of the public pier.

Mr. Conway Sheild, attorney for the applicant, appeared to answer any questions the Board may have.

Mr. Wiggins stated he visited the site and was impressed with the operation. He asked if the public could still use the pier.

Representatives of the applicant explained that public use of the pier would be left up to the insurance underwriter, but noted they would like to provide the same access as is currently provided.

At Mr. Wiggins' request, the applicants detailed some of the specifics of the business.

Mrs. Noll then moved the adoption of proposed Resolution R03-154 that reads:

A RESOLUTION TO ABANDON THE SLAIGHT'S WHARF PUBLIC LANDING ON BACK CREEK AND A 230-FOOT DEAD-END PORTION OF THE SHIRLEY ROAD (ROUTE 626) RIGHT-OF-WAY SITUATED BETWEEN PROPERTIES OWNED BY SEAFORD SCALLOP COMPANY, INC. AND WELLS ICE AND COLD STORAGE, INC.

WHEREAS, Seaford Scallop Company, Inc. has requested that the Board of Supervisors consider abandoning the Slaights's Wharf Public Landing and a 230-foot dead-end portion of the Shirley Road right-of-way situated between properties owned by Seaford Scallop Company, Inc. and Wells Ice and Cold Storage, Inc.; and

WHEREAS, pursuant to the requirements of Section 33.1-151 of the Code of Virginia, the Board of Supervisors has provided notice of its intention to approve the abandonment, contingent on Seaford Scallop Company, Inc. and/or Wells Ice and Cold Storage, Inc. dedicating sufficient property to accommodate and constructing a VDOT-standard turn-around at the new terminus of the right-of-way for Shirley Road; and

WHEREAS, in accordance with the terms of Section 33.1-151 of the Code of Virginia, notice was also provided to the Commonwealth Transportation Commissioner and to the Department of Game and Inland Fisheries; and

WHEREAS, the Department of Game and Inland Fisheries has provided a resolution indicating that it concurs in the abandonment of Slaight's Wharf; and

WHEREAS, the Board of Supervisors has determined that no public necessity exists for the continuance of the public landing and the subject segment of Shirley Road as a public facilities or as elements of the State Secondary Roads System, provided that a suitable replacement turn-around is constructed at the new terminus of Shirley Road; and

WHEREAS, Seaford Scallop Company, Inc. has offered, subject to County approval of the abandonment and the Virginia Department of transportation's conveyance of the subject pier and right-of-way, to provide funds to the County for improvement of public landing facilities elsewhere in York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 16<sup>th</sup> day of September, 2003, that it does hereby approve the abandonment of the Slaight's Wharf Public Landing and a 230-foot dead-end segment of the Shirley Road (Route 626) right-of-way subject to the following conditions:

1. Dedication of necessary right-of-way and construction of a VDOT-standard turnaround at the new terminus of Shirley Road, all to be accomplished by Seaford Scallop Company, Inc. and/or Wells Ice and Cold Storage, Inc. in accordance with all applicable VDOT requirements.
2. Payment to York County of the sum of \$27,800, as proffered by Seaford Scallop Company, Inc., to be used by the County for improvements to such other public landings/piers as the Board of Supervisors may deem appropriate.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett  
Nay: (0)

ABANDONMENT OF NEW QUARTER PARK ENTRANCE ROAD RIGHT-OF-WAY

Mr. Carter gave a presentation on proposed Resolution R03-155 to abandon an 806-foot segment at the end of the New Quarter Park Entrance Road Right-of-Way. He stated that staff followed procedures called for in State Code to advertise the intent, and no one requested a public hearing on the matter.

Mrs. Noll then moved the adoption of proposed Resolution R03-155 that reads:

A RESOLUTION TO ABANDON AN 806-FOOT SEGMENT AT THE  
END OF THE NEW QUARTER PARK ENTRANCE ROAD (ROUTE  
1314) RIGHT-OF-WAY

WHEREAS, in conjunction with planning for improvements at New Quarter Park, the Board of Supervisors has been requested to consider abandoning the 806-foot end segment of the New Quarter Park entrance road (Route 1314) right-of-way; and

WHEREAS, pursuant to the requirements of Section 33.1-151 of the Code of Virginia, the Board of Supervisors has provided notice of its intention to approve the abandonment; and

WHEREAS, the Board of Supervisors has determined that no public necessity exists for the continuance of the subject segment of the park entrance road; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 16<sup>th</sup> day of September, 2003, that it does hereby approve the abandonment of the 806-foot dead-end segment of the New Quarter Park entrance road (Route 1314) right-of-way, as depicted on the plan entitled "Exhibit - Length and Area From Approximate Station 61+51 To End of Rt. 1314", dated July 17, 2003 and prepared by Vanasse Hangen Brustlin, Inc., a copy of which is made a part of this resolution by reference.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett  
Nay: (0)

EXTENSION OF USE PERMIT CONDITIONS: UP-625-03, WILLIAMSBURG PLAYERS

Mr. Carter made a presentation on proposed Resolution R03-160 to authorize a modification of a previously approved Special Use Permit by authorizing a two-year extension of the deadline for establishing the special use.

Mrs. Noll moved the adoption of proposed Resolution R03-160 that reads:

A RESOLUTION TO APPROVE A MINOR MODIFICATION OF A  
PREVIOUSLY APPROVED SPECIAL USE PERMIT BY AUTHORIZ-  
ING A TWO-YEAR EXTENSION OF THE DEADLINE FOR ESTAB-  
LISHING THE SPECIAL USE

WHEREAS, The Williamsburg Players, Inc., submitted Application No. UP 580-01, which requested a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance, to authorize an expansion of the James- York Playhouse on a 3.14-acre parcel of land located at 200 Hubbard Lane approximately 760 feet north of the intersection of Hubbard Lane (Route 716) and Penniman Road (Route 641) and further identified as Assessor's Parcel No. 10-37; and

WHEREAS, on September 18, 2001, the York County Board of Supervisors approved said application through the adoption of Resolution No. R01-152; and

September 16, 2003

WHEREAS, pursuant to Section 24.1-115(c)(1) of the York County Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established; and

WHEREAS, The Williamsburg Players, Inc., has submitted Application No. UP-625-03, which requests that the Board approve a minor modification to the above-referenced Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing a two-year extension of the deadline for establishing the special use;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16<sup>th</sup> day of September, 2003, that Application No. UP-625-03, be, and it is hereby, approved to authorize a two-year extension of the deadline for establishing the special use approved by the Board on September 18, 2001, thus making the new expiration date September 18, 2005.

BE IT FURTHER RESOLVED that all other terms of the Special Use Permit, as contained in Resolution No. R01-152, shall remain in full force and effect.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett  
Nay: (0)

**CLOSED MEETING.** At 9:20 p.m. Mr. Shepperd moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.2-3711(a)(1) pertaining to the appointment of individuals to Boards and Commissions.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett  
Nay: (0)

Meeting Reconvened. At 9:28 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16<sup>th</sup> day of September, 2003, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett  
Nay: (0)

APPOINTMENT TO THE COLONIAL SERVICES BOARD

Mrs. Noll moved the adoption of proposed Resolution R03-158 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTA-  
TIVE TO THE COLONIAL SERVICES BOARD

BE IT RESOLVED by the York County Board of Supervisors this 16th day of September, 2003, that, Barrent Henry be and is hereby, appointed as a representative to the Colonial Services Board for a term of three years, such term to begin immediately and expire June 30, 2006.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett  
Nay: (0)

Meeting Adjourned. At 9:30 p.m. Mr. Wiggins moved that the meeting be adjourned to 6:00 p.m., Tuesday, September 23, 2003, in the East Room, York Hall, for the purpose of conducting a work session.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett  
Nay: (0)

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James O. McReynolds, Clerk  
York County Board of Supervisors

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James S. Burgett, Chairman  
York County Board of Supervisors